

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:

Techmetals, Inc.
Dayton, Ohio

Proceedings Pursuant to
Section 113 (a) (3) of the
Clean Air Act,
42 U.S.C. § 7413(a) (3)

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) **FINDING OF VIOLATION**

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) **EPA-5-99-OH- 9**
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FINDING OF VIOLATION

The United States Environmental Protection Agency (U.S. EPA) hereby notifies the State of Ohio and Techmetals, Inc. (Techmetals) that U.S. EPA finds that the chromium electroplating facility, located at 2200 East First Street, is in violation of Section 112 of the Clean Air Act (Act), 42 U.S.C. § 7412, and regulations promulgated thereunder setting forth National Emission Standards for Hazardous Air Pollutants (NESHAPS) for Chromium Emissions from Hard and Decorative Electroplating and Chromium Anodizing Tanks (Chrome Plating NESHAP), 40 C.F.R. § 63.340-347. Specifically, Techmetals is in violation of the Chrome Plating NESHAP as follows:

- 1) Preparing and implementing an operation and maintenance plan by the compliance date, 40 C.F.R. § 63.342(f) (3) (i).

40 C.F.R. § 63.342(f) (3) (i) requires that the owner or operator of an affected source prepare an operation and maintenance plan to be implemented no later than the compliance date. 40 C.F.R. § 63.343(a) (2) states that the compliance date for a new or reconstructed affected source that has an initial startup after January 25, 1995, is the initial startup date of the source. The initial startup dates for three new sources operated by Techmetals were in October of 1996 for Ohio Environmental Protection Agency (OEPA) source number P015, March of 1998 for OEPA source number P016, and May of 1997 for OEPA source number P018. Techmetals failure to prepare and implement an operation and maintenance plan for these three new sources until after December 30, 1998, constitutes a violation of 40 C.F.R. § 63.342(f) (3) (i).

- 2) Conducting an initial performance test within 180 days after the initial startup, 40 C.F.R. § 63.343(b)(1).

40 C.F.R. § 63.343(b)(1) requires that the owner or operator of an affected source conduct an initial performance test as required under 40 C.F.R. § 63.7. 40 C.F.R. § 63.7(a)(2)(ii) requires that the owner or operator of an affected source conduct an initial performance test within 180 days after the initial startup for a source that has an initial startup date after the effective date of a relative standard. Techmetals began operating two new hard chromium electroplating tanks in March of 1998 and May of 1997. Therefore, the initial performance test for these two affected sources was required by September of 1998 and November of 1997, respectively. Techmetals conducted initial performance tests on OEPA source number P016 on January 4, 1999, and has not yet conducted a performance test on OEPA source number P018. This constitutes a violation of 40 C.F.R. § 63.343(b)(1).

- 3) Submitting a notification of construction to the Administrator prior to beginning construction of a new source, 40 C.F.R. § 63.345(b)(1) and (b)(5)(i).

40 C.F.R. § 63.345(b)(1) states that no person shall construct a new affected source without submitting a notification of construction to the Administrator. 40 C.F.R. § 63.345(b)(5)(i) states that if the construction commences after January 25, 1995, the notification shall be submitted as soon as practicable before the construction is planned to commence. 40 C.F.R. § 63.2 defines "Administrator" as the Administrator of the United States Environmental Protection Agency or his or her authorized representative. Techmetals began the construction of chromium electroplating tank P015 in April of 1996, P016 in January of 1998, and P018 in February of 1997. Techmetals did not submit a notification of construction to the Administrator for these three new sources until January 4, 1999. This constitutes a violation of 40 C.F.R. § 63.345(b)(1) and (b)(5)(i).

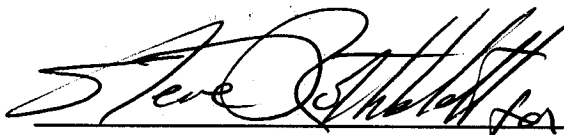
- 4) Submitting notification of the date when construction commenced and of the actual date of startup of the source within 30 days after such dates, 40 C.F.R. § 63.347(c)(2)(ii) and (c)(2)(iii), respectively.

40 C.F.R. § 63.347(c)(2)(ii) requires that the owner or operator of a new or reconstructed affected source with an initial startup date after January 25, 1997, submit a notification of the date when construction or reconstruction commenced within 30 calendar days after such date. 40 C.F.R. § 63.347(c)(2)(iii) requires

that the owner or operator of a new or reconstructed affected source with an initial startup date after January 25, 1997, submit a notification of the actual date of startup of the source within 30 calendar days after such date. As stated in paragraph 3, above, Techmetals began the construction of chromium electroplating tank P015 in April of 1996, P016 in January of 1998, and P018 in February of 1997. Techmetals failed to submit notification of the date when construction commenced for these sources within 30 days after said dates. This is a violation of 40 C.F.R. § 63.347(c)(2)(ii). As stated in paragraph 1, above, the initial startup date was in October of 1996 for source P015, March of 1998 for P016, and May of 1997 for P018. Techmetals failed to submit notification of the actual dates of startup for these sources within 30 days after such dates. This is a violation of 40 C.F.R. § 63.347(c)(2)(iii).

3/4/99

Date



Richard C. Karl, Acting Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Shwanda Mayo, do hereby certify that a Finding of Violation and Notice of Violation were sent by Certified Mail, Return Receipt Requested, to:

Dan Brockman, President
Techmetals, Inc.
345 Springfield Street
Dayton, Ohio 45403

I also certify that copies of the Finding of Violation and Notice of Violation were sent by first class mail to:

Robert Hodanbosi, Chief
Division of Air Pollution Control
Ohio Environmental Protection Agency
Lazarus Government Center
P.O. Box 1049
Columbus, Ohio 43216-1049

and

John Paul, Director
Regional Air Pollution Control Agency
Montgomery County Health Department
451 West Third Street
P.O. Box 972
Dayton, Ohio 45422

on the 8th day of March, 1999.

Shwanda Mayo
Shwanda Mayo, Secretary
AECAS, (MN/OH)

CERTIFIED MAIL RECEIPT NUMBER: P300 759 709